


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Emergency Services	(2) MEETING DATE June 6, 2006	(3) CONTACT/PHONE Ron Alsop 781-5011
(4) SUBJECT: Request for Approval for the Office of Emergency Services to Apply for Federal Fiscal Year 2006 Homeland Security Grant Program Funds on Behalf of the San Luis Obispo Operational Area and to Approve Related Governing Body Resolutions.		
(5) SUMMARY OF REQUEST: The County of San Luis Obispo Office of Emergency Services, representing the Operational Area, may apply for Federal Homeland Security Grant funds for the purposes of planning, preventing, preparing for, and responding to Homeland Security incidents. The Board of Supervisors must authorize the application and subsequently approve the allocation of grant proceeds. The needs assessment and recommendation for allocation of grant proceeds is made by an Approval Authority Body made up of law, fire, and public health officials. The grant proceeds may only be used for DHS approved equipment or services and are 100% reimbursement of allowed expenses with no match requirements.		
(6) RECOMMENDED ACTION: It is recommended that your Board: 1) Approve the Office of Emergency Services request to apply for a 2006 Federal Homeland Security Grant on behalf of the San Luis Obispo Operational Area for the purchase of equipment and other resources intended for use in response to and prevention of terrorism incidents; 2) Approve the Related Governing Body Resolution appointing Authorized Agents to sign grant related documents on behalf of the County including identifying the Approval Authority Body and Grant Assurance documents.		
(7) FUNDING SOURCE(S) 2006 Federal Homeland Security Grant	(8) CURRENT YEAR COST unknown	(9) ANNUAL COST unknown
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): CDF/County Fire, Sheriff's Department, County Health Department, Fire Chief's Association of San Luis Obispo County, Criminal Justice Administrators of San Luis Obispo County		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input checked="" type="checkbox"/> Number: 4 <input type="checkbox"/> Attached <input type="checkbox"/> N/A	(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date:
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-size: 2em; font-family: cursive;">  </div> <div style="text-align: right; font-size: 2em; font-family: cursive;"> B-5 (6.6.06) </div>		

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: Board of Supervisors

FROM: Ron Alsop, Office of Emergency Services

A handwritten signature in black ink, appearing to read "Ron Alsop", is written over the printed name.

DAVID EDGE
COUNTY ADMINISTRATOR

DATE: June 6, 2006

SUBJECT: Request for Approval for the Office of Emergency Services to Apply for Federal Fiscal Year 2006 Homeland Security Grant Program Funds and Emergency Management Funding on Behalf of the San Luis Obispo Operational Area and to Approve Related Governing Body Resolutions.

Recommendation

It is recommended that your Board: 1) Approve the Office of Emergency Services request to apply for a 2006 Federal Homeland Security Grant on behalf of the San Luis Obispo Operational Area for the purchase of equipment and other resources intended for use in response to and prevention of terrorism incidents; 2) Approve the Related Governing Body Resolution appointing Authorized Agents to sign grant related documents on behalf of the County including Approval Authority Body and Grant Assurance documents.

Discussion

1). Federal Homeland Security Grant Application: This request is for your Board to give approval to the County Office of Emergency Services (OES) to apply for the FY06 Homeland Security Grant Program. The specifics of what the requested funds will be used for will be brought back to your Board for approval upon acceptance of the grant application by the State.

Through the California Office of Homeland Security and State Office of Emergency Services, the United States Department of Homeland Security (DHS) is providing grant funds to prevent, deter, respond to and recover from threats and incidents of terrorism through the purchase of emergency response equipment and emergency planning projects. Although the grant is titled "FY 06 Homeland Security Grant Program" it is actually a single application for two unique programs: 1) State Homeland Security Program (SHSP); and 2) Law Enforcement Terrorism Prevention Program (LETPP).

The State Homeland Security Program (SHSP) is making grants funds available for efforts such as planning for homeland security and emergency operations, purchasing of specialized equipment to enhance the capability of local agencies, costs related to certain

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training courses, costs related to certain exercises, and management and administration costs. Up to 3.0% of the grant may be used to offset the costs of administering it.

The Law Enforcement Terrorism Prevention Program (LETPP) is making funds available for various uses, including, among other things, purchase of specialized equipment to improve information sharing and intelligence activities; enhance capabilities to prevent domestic terrorism incidents; ensure interoperable communications between and among law enforcement agencies and other emergency service disciplines, and management and administration of the grants. Up to 3.0% of the grant may be used to offset the costs of administering it.

2) Approval Authority Body: This request is for your Board to give approval for the Operational Area's "Approval Authority Body" to make funding recommendations for the SHSP and LETPP grants.

A requirement of this grant is for an Approval Authority Body consisting of the County Sheriff, County Fire Chief, Municipal Fire Chief (selected by the Operational Area Fire Chiefs), Chief of Police (selected by the Operational Area Police Chiefs), and County Public Health Officer or designee responsible for emergency medical services. The fire and police chiefs have selected their representatives for the Approval Authority.

The Approval Authority Body for the San Luis Obispo Operational Area is: Sheriff Pat Hedges, CDF/County Fire Chief Matt Jenkins, Paso Robles Emergency Services/Fire Chief Ken Johnson, Paso Robles Police Chief Dennis Cassidy and County Health Officer Greg Thomas, M.D., M.P.H.

Grant Assurances: As with previous grants of this type, the State requires submittal of certain legal grant assurances and an approved list of staff authorized to sign the application and related grant documents on behalf of the County. OES is requesting that you approve the enclosed State formatted Governing Body Resolution to authorize the County Administrator or Deputy County Administrator or Emergency Services Coordinator to sign documents on behalf of the County for this and related grant purposes.

Other Agency Involvement

A committee made up of representatives from the Fire Chief's Association of San Luis Obispo County, municipal police chief's representative, Sheriff's Department, CDF/County Fire, Public Health, Bomb Task Force, Regional Hazardous Materials Response Team, and the County Office of Emergency Services works together to determine how the SHSP and LETPP funding will be most efficiently used.

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Financial Considerations

Prior to specific purchases and other uses of these funds, County OES will bring another item to your Board for final approval, outlining the grant funds approved by DHS and specific equipment and other services to be acquired. Up to 3.0% of the grant may be used to offset the costs of administering it.

The SHSP and LETPP grants are 100% federally funded and there are no matching cost requirements. However, there may be ongoing costs to the County resulting from accepting these grants and putting the projects in place. Unless other funding sources are found, these will be operational costs in the representative County department budget units which will be receiving the grant funded items. Updated financial considerations and cost estimates will be provided to your Board with a future agenda item requesting permission to accept the grants once the State Office of Homeland Security accepts our grant application.

The funds from this grant are reimbursement monies, not up front dollars. As a result, existing entities within the Operational Area must purchase the equipment and then be reimbursed. It is anticipated the funds will be allocated through the following County departments: Sheriff, Fire, OES, District Attorney, Probation, and the Health Agency.

Results

To help ensure the safety and interests of the County and its citizens are met through increased preparation of public safety, emergency management, and related agencies for potential or actual response to acts of terrorism. Obtaining needed equipment will enhance public safety and emergency management agencies ability to respond to not only potential terrorism incidents, but also to many other types of situations.

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Governing Body Resolution
(For Operational Areas and Urban Area's)

BE IT RESOLVED BY THE Board of Supervisors
(Governing Body)

OF THE County of San Luis Obispo THAT
(Name of Applicant)

County Administrative Officer . OR
(Name or Title of Authorized Agent)

Deputy County Administrative Officer . OR
(Name or Title of Authorized Agent)

Emergency Services Coordinator .
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California.

Passed and approved this 6 th day of June, 2006

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of _____, 20____.

(Official Position)

(Signature)

(Date)

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Office of Homeland Security

Grant Assurances

(All Applicants)

Name of Applicant: COUNTY OF SAN LUIS OBISPO

Address: COUNTY GOVERNMENT CENTER, Room D-430

City: SAN LUIS OBISPO State: CA Zip Code: 93408

Telephone Number: (805) 781-5011

Fax Number: (805) 781-5005

E-Mail Address: ralsope@co.slo.ca.us

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and sub-granted through the State of California.
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
4. Will provide progress reports and such other information as may be required by the awarding agency.
5. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

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7. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to:
- Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - Title 28, CFR, Part 35;
 - Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
9. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
10. Will comply with environmental standards which may be prescribed pursuant to the following:
- institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - notification of violating facilities pursuant to EO 11738;
 - protection of wetlands pursuant to EO 11990;
 - evaluation of flood hazards in floodplains in accordance with EO 11988;
 - assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - conformity of federal actions to State (Clean Air) Implementation Plans under Section

- 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
 - i. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Section 15000-15007.
11. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
12. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
13. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
14. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
- a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
15. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
16. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
17. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
18. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

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19. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
20. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
21. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
22. Agrees that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
 - b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
 - c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
23. Agrees that equipment acquired or obtained with grant funds:
 - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

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24. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
25. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A102, A-110, A-122, and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66 or 70, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
26. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
27. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including
- a. Part 18, Administrative Review Procedures;
 - b. Part 20, Criminal Justice Information Systems;
 - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
 - g. Part 38, Equal Treatment of Faith-based Organizations;
 - h. Part 63, Floodplain Management and Wetland Protection Procedures;
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement)
 - n. Part 69, New Restrictions on Lobbying
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations.
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants)
28. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

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29. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
30. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
31. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
32. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
33. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
34. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
35. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
36. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

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38. As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice, Office of Justice Programs,
ATTN: Control Desk,
633 Indiana Avenue, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: Ron Alsop

Title: Emergency Services Coordinator Date: June 6, 2006

**APPROVED AS TO FORM
AND LEGAL EFFECT**

**JAMES B. LINDHOLM, JR.
COUNTY COUNSEL
SAN LUIS OBISPO COUNTY**

By 
Deputy County Counsel

Date May 24, 2006

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